

## ARTICLE 89-13

### NORTHWEST AREA WATER SUPPLY PROJECT

Chapter  
89-13-01 Northwest Area Water Supply Project

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**89-13-01-01. Definitions.** As used in this chapter, unless the context or subject matter otherwise requires:

1. "Agreement of intent" means an agreement between the entity operating or desiring to operate a distribution system and the state water commission whereby the entity agrees to consider entering into a water service agreement for delivery of water from the northwest area water supply project and the state water commission agrees to include the water requirements of the distribution system in the prefinal design of the project.
2. "Distribution system" means a system for the provision to users of potable water, if such system has at least fifteen service connections or regularly serves at least twenty-five users.
3. "Prefinal design" means the engineering analysis of the project layout incorporating distribution systems of all entities that have entered into an agreement of intent.
4. "Project" means the northwest area water supply project authorized by North Dakota Century Code chapter 61-24.6.
5. "User" means a household, business, or farmstead that uses water.
6. "Water service agreement" means an agreement to purchase water from the northwest area water supply project based upon the results of the prefinal design and projected development of the project.

**History:** Effective March 1, 1995.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 61-24.6-04

**89-13-01-02. Statement of project purpose and intent.** The purpose of the project is to ensure a dependable, long-term supply of good water to users

of existing and planned distribution systems in northwestern North Dakota that have entered into a northwest area water service agreement with the state water commission.

The support of existing rural water associations and cities that are supplying water to other distribution systems in the project area is very important to the success of the project. Therefore, it is the intent of the project advisory committee to preserve existing water supply relationships in the project area.

**History:** Effective March 1, 1995.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 61-24.6-04

### **89-13-01-03. Eligibility.**

1. Any distribution system or portion of a distribution system may enter into an agreement of intent or a water service agreement except for:
  - a. A distribution system, or portion thereof, that received water from a rural water association, city, or other distribution system in the project area at any time prior to March 1, 1995, if the distribution system that supplied the water has entered into an agreement of intent or a water service agreement; or
  - b. A distribution system, or portion thereof, that enters into an agreement to receive water from a rural water association, city, or other distribution system after March 1, 1995, if the distribution system that supplied or is supplying water has entered into an agreement of intent or a water service agreement.
2. Any receiving distribution system, or portion thereof, that was receiving water from a supplying distribution system may enter into an agreement of intent or a water service agreement if the supplying distribution system terminates the agreement to provide water to the receiving distribution system.
3. A receiving distribution system purchasing water from a supplying distribution system which has entered into an agreement of intent or a water service agreement is eligible to enter into an agreement of intent or a water service agreement for the purpose of expansion into areas not served by project water from the supplying distribution system.

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